

REMARKS

In the Office Action, the Examiner objected to claims 22-33 and 46-56 and rejected claims 1-22 and 34-45. Reconsideration of the application in view of the remarks set forth below is respectfully requested.

Rejections under 35 U.S.C. § 103

The Examiner rejected claims 1-22 and 34-45 under 35 U.S.C. § 103(a) as being unpatentable over Olarig et al. (U.S. Pat. No. 6,098,132), in view of Emerson et al. (U.S. Pat. No. 6,487,623).

Applicants respectfully submit that neither the Olarig et al. reference nor the Emerson et al. reference qualifies as prior art against the above-referenced application under 35 U.S.C. § 103. In accordance with 35 U.S.C. § 103(c) and Pub.L. 106-113, § 4807 enacted November 29, 1999, subject developed by another person which qualifies as prior art only under subsection (e) of 35 U.S.C. § 102, shall not preclude patentability where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

As set forth below, at the time the present invention was made, the invention of this application, the Olarig et al. reference and the Emerson et al. reference were all owned by Compaq Computer Corporation or by its wholly owned subsidiary Compaq Information Technologies Group, L.P. ("CITG"). Since the present application was filed after November 29, 1999 and since the Olarig et al. reference did not issue until after the priority filing date of the present application, it is clear that the Olarig et al. reference does not qualify as prior art under 35 U.S.C. § 102(e)/103(c). Similarly, since the Emerson et al. reference did not issue

until after the filing date of the present application, it is clear that the Emerson et al. reference does not qualify as prior art under 35 U.S.C. § 102(e)/103(c).

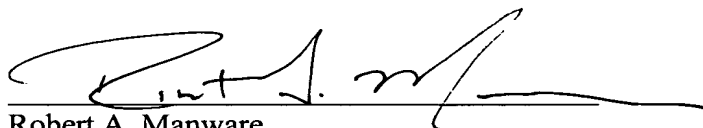
Without the Olarig et al. and Emerson et al. references, all of the Examiner's rejections under 35 U.S.C. § 103 are moot, since it is clear that none of the art of record and available as prior art either alone or in combination, discloses or suggests all of the elements recited in the present claims. Accordingly, Applicants respectfully request withdrawal of the Examiner's rejections and allowance of claims 1-56.

Conclusion

In view of the remarks and amendments set forth above, Applicants believe the claims to be patentable over the art of record and respectfully request allowance of claims 1-56. If the Examiner believes that a telephonic interview will help speed this application towards issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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